



# Town of Carlisle

MASSACHUSETTS 01741

-----  
Office of  
**PLANNING BOARD**

66 Westford Street  
Carlisle, Massachusetts 01741  
Tel. (978) 369-9702  
Fax (978) 369-4521  
e-mail: carlplan@rcn.com

## Minutes

**February 13, 2006**

Minutes 1/23/06

Bills

Budget

Town Election/Associate Members

Appointments to Town boards/committees

Annual Town Report

Rappaport/Pioneer Institute report on regulations and housing prices

Meeting time for 3/27/06

Development of additional GIS data layers and technical support [Applied Geographics]

Preparation of proposed amendments to Personal Wireless Communications Facilities bylaw [Broadcast Signal Lab-consultant; Planning Board represented on joint subcommittee]

Preparation of proposed amendments to Accessory Apartment bylaw to provide options for affordable units [Riverside Consulting-Selectmen/joint subcommittee]

Feasibility study of adopting Inclusionary Zoning and/or Open Space Residential Design bylaw provisions [Edith Netter & Associates-Planning Board]

Request for review and comments on draft 2005 Open Space and Recreation Plan [Request of Conservation Commission]

Review of application to Zoning Board of Appeals for Comprehensive Permit under MGL Chap. 40B for 56 age-restricted, condominium units of attached housing to be known as "Coventry Woods," on Concord Street, northeasterly of 515 Concord Street (Map 8, Parcel 10 – 22.8 acres), 14 units to be designated as affordable housing (Application of Coventry Woods LLC and MCO & Associates, Inc., referred by Board of Appeals)

Review of FY07 budget hearing before FinCom

Application by Carlisle Recreation Commission for Site Plan Approval under Sec. 7.6 of the Zoning Bylaws for the Phase 2 Ball Field project on the Banta Davis land at 304 Bedford Road, seeking a report and recommendation to the Board of Selectmen (Due date 3/3/06)

**David Freedman** called the meeting to order at 7:33 pm in the Heald Room at Town Hall. Board members **Louise Hara, Peter Stuart, Kent Gonzales, Brian Larson**, and Planning Administrator **George Mansfield** were present. **Michael Epstein** was absent. **Ray Bahr** joined the meeting at 7:43 pm. **Doug Stevenson (BOS)** joined the meeting at 7:54 pm.

Gretchen Caywood, assistant to the Planning Administrator, Timothy Donohue (161 Nathan Lane), and Bob Zielinski, Carlisle Mosquito reporter, were also present.

### Minutes

The PB reviewed the minutes of the 1/09/06 meeting. Larson moved to approve the minutes as drafted, Hara seconded and the motion carried 5-0.

### Review of FY07 budget hearing before FinCom

Larson reported on his presentation of the PB FY07 budget request to FinCom, which included a brief account of how the PB funds had been used thus far this fiscal year, and the intent for the remainder of the year. He also presented a Guideline PB budget and a Level of Service PB budget for FY07, stating that while the PB did not

foresee the need for a “growth” budget, they did foresee a need for a slight increase in the number of hours allocated to the Administrative Assistant position. Indications are that both were well received, but no votes have yet been taken.

#### **Town Election/Associate Members**

Freedman ascertained that Larson is still considering whether he will run for the 3-year term of PB membership that is open this May, and that he will inform the PB of his decision by the next PB meeting. Freedman reiterated his plans to run for the 1-year term that will be available in May, and Hara reaffirmed that she will not be running for another term.

Regarding PB appointments to other boards, Mansfield reported that he has discussed this with the Town Clerk, and they will resolve the status of appointments on her return from an out-of-town conference. He verified that Gonzales has been appointed to the CPC and Freedman to MAGIC, but that there is a discrepancy regarding the Historical Commission. Hara has been sworn in as the PB’s Long Term Cap member. Bahr moved and Stuart seconded retroactively appointing Hara as the Long Term Cap representative for the remainder of her term (approximately 4 months).

At this point, Freedman informed the PB that Doug Stevenson (BOS) will join the meeting to discuss the Affordable Accessory Apartment bylaw. Mansfield informed the PB that Tim Donohue will join the meeting to discuss GIS for Carlisle.

#### **Development of additional GIS data layers and technical support [Applied Geographics]**

Tim Donohue, a member of the Land Stewardship Committee, referred to the information he emailed to Mansfield this date. He highlighted two possible opportunities for Carlisle to proceed with its GIS work. The first involved working with PeopleGIS, an open source based GIS group that Concord is working with, and allow them to use our GIS data to host a Carlisle site gratis for 30 days for our evaluation. After 30 days, there would be a \$2500 setup fee followed by a \$3000 hosting fee per year. The other opportunity is to utilize Concord’s regional GIS initiative and integrate our information into it by directly beginning data exchange with Concord. In the latter case, the regional site would continue to be hosted by Concord and would likely have little or no ongoing cost to Carlisle except for that of updating our information. (It was not clear whether Carlisle would continue with the regional site even if the PeopleGIS proposal was not accepted.) Donohue pointed out that it is possible to set up the site with varied levels of access, in the event that some information needs to be restricted to Town Hall only, for example.

Freedman and Mansfield agreed to meet with Donohue on Thursday morning, February 16<sup>th</sup> at 11 am to more thoroughly discuss this issue after they have had the opportunity to review all the information sent forward by Donohue, and at this point Donohue left the meeting.

Larson and Hara expressed their opinion that Carlisle should continue to pursue the use of GIS, particularly as the State is pursuing the statewide use of ArcView and GIS. Also, with the small turnover of properties per year, and with the utilization of Concord as the host, costs should be small going forward. Freedman expressed concern with the financial viability of GIS for Carlisle at this point.

Doug Stevenson joined the meeting at 7:54 pm.

#### **Preparation of proposed amendments to Accessory Apartment bylaw to provide options for affordable units [Riverside Consulting-Selectmen/joint subcommittee]**

Stevenson presented a summary of the decisions of the Affordable Accessory Apartment (AAA) Task Force. Among the reasons he reviewed for the Town’s interest in affordable accessory apartments is their 1:1 production ratio versus 3:1 for a 40B development. In other words, for every accessory apartment developed, there is only one market-rate housing unit associated therewith. For a 40B development, only 25% of its housing need be affordable, resulting in a 3:1 ratio of new residences to affordable units. The affordable accessory apartment

approach is therefore a much more efficient and “low-impact” way of achieving the Town’s affordable housing goals. It is the most direct approach to helping the community with this issue, as well as the most direct way a resident or property owner can help themselves with expenses.

In summarizing the Task Force’s actions, Stevenson reviewed that Toby Kramer (Riverside Consulting), a specialist in this issue, has been hired on a consulting basis. The work involves establishing a regulatory environment and specific financial incentives to establish AAA’s, and drafting a new by-law. A CPA (Community Preservation Act) application is in process toward arranging funding for the financial incentives. Stevenson pointed out that clarifications are needed from DHCD (Department of Housing and Community Development) relating to the deed restriction and tenant selection. Then approval is needed at the Annual Town Meeting (ATM) in May for both the by-law amendments and the CPA funds.

An overview of the amended AAA By-Law included: obtaining a Special Permit from the PB (as before), allowing larger units of up to 50% of the overall residence, with the cap remaining at 1200 square feet, allowing detached structures, and allowing AAAs on business zoned lots as well as residential. AAAs will still require Wetlands (ConsComm), Title 5 (BOH) and ZBA (if non-conforming) approvals as before. Stevenson summarized the overall process as follows: the Applicant would meet with Town Hall staff to determine qualifications and applicability of an AAA to the situation. In this regard, the Town will help usher the applicant through the process in an effort to make it easier for the applicant. The applicant will then apply for the Special Permit and address other town boards as necessary. Then the deed restriction, tenant selection and DHCD certification of the unit will complete the process. Stevenson added that he has received some indications that the DHCD may agree that the owner should get significant say in the tenant selection process.

On completing his summary, Stevenson then asked for comments from the PB. Freedman pointed out that the Housing Authority would be responsible for monitoring and developing rules and regulations for affordability, and it is important that these be detailed and specific. He said that the AAA Task Force will work with the Housing Authority to assist in the development of the rules and regulations. Freedman stressed that these rules and regulations need to be in place before any resident comes before the PB to request a Special Permit. Mansfield pointed out that a Town employee, if the new multi-purpose position is approved by Town Meeting, will be available as a liaison to assist with the process, including deed restriction and tenant selection.

Freedman reminded the PB that in order to have a one-year moratorium on 40B development, the Town needs to create 12 affordable units. Therefore, there needs to be a coordination of 40B and AAA efforts. For example, if Carlisle has 10 affordable units created from a 40B and also has 2 units created from AAAs, the quota is reached, and the Town gets a one-year moratorium on 40B development. Stevenson added that such a moratorium means that the Town has more control on negotiating with any prospective 40B developers.

Larson pointed out that since AAAs result in a 1:1 production ratio of residence to affordable units, it is important to assure that there are appropriate incentives for the applicant. Stevenson reminded the PB that while it is important to provide the appropriate incentives, apartment construction scenarios vary widely, and the Town should not subsidize a major construction project that greatly increases the value of the owner/applicant’s real estate. When some PB members expressed concern about the financial incentives, Freedman pointed out that the PB will hold a public hearing where the by-law changes are presented to the community by the Task Force, and the townspeople may provide input on the incentives and, if deemed necessary, it may be possible to adjust them by augmentation with Town funds, instead of approaching the CPC a second time. The first year may lead to a negotiation process with the Town if it is determined that the incentives need to be increased. Freedman stated that the AAA Task Force was planning to request \$90,000 for a maximum of 6 AAAs.

Stuart expressed that \$15,000 may not be a sufficient incentive, and that it may be better to devise a table of amounts for different work that needs to be done to set up the AAA, attaching a dollar amount to each item. Bahr asked if taxes would be affected by the AAA, and Freedman replied that they would be unaffected unless the square feet of finished living space was increased. Stevenson added that the \$15,000 incentive may be sufficient to encourage the owners of existing, unregistered apartments to bring them up to requirements, as they probably will not need much work.

Freedman reiterated that the Task Force is amending the by-law for AAAs only and not for accessory apartments in general. He added that the AAA must meet state approval to be counted toward the 10% (and annual 12-unit) goal for the Town.

Freedman pointed out that a significant incentive for residents to develop AAAs is to help avoid additional 40B developments in the Town.

Stevenson left the meeting at this point.

**Preparation of proposed amendments to Personal Wireless Communications Facilities bylaw [Broadcast Signal Lab-consultant; Planning Board represented on joint subcommittee]**

Larson presented a draft presentation of the information that the Wireless Bylaw Subcommittee (WBS) plans to present to the BOS on February 28<sup>th</sup>. Also, a draft revision of the wireless by-law had been circulated in advance to the PB. The information Larson presented was also put forward to the BOH at their recent meeting.

Larson included in his presentation a summary of the current cell-tower issues, including that the current by-law as it is written is “lawsuit prone” and has resulted in significant legal expenses. Also, there are gaps in cell service coverage within the Town. through the lawsuits . the 900-foot setback has been stated to be overly restrictive, and some of the by-law language itself is obsolete. He stated the WBS goals as: updating the by-law, easing the overly restrictive 900-foot setback condition while maintaining strict controls, setting a direction for personal wireless service (PWS) in the Town, and exploring revenue options for the Town.

He outlined the WBS’s recommendations to allow a possible waiver for the setback, but only for “low impact” (visual/environment) facilities, to set detailed criteria for the low impact waiver, and to encourage a Town RFP using Town rights of way. The direction proposed by the WBS is for facilities on existing buildings or, 60-foot concealed antenna monopoles or, small form technologies such as distributed antenna systems or distributed network elements. The by-law change would encourage new “non-tower” solutions. Gonzales pointed out that one key element was to provide an alternative to the giant setback, which had been the primary source of lawsuit activity.

Larson summarized that the revenue potential may be about \$1000/month per provider per pole with a land rent approach, and suggested that the Town should be proactive in pursuing revenue options. Larson expressed that the WBS would like to go to the BOS on February 28<sup>th</sup> with the PB’s endorsement of the WBS recommendations, and that this is the input they plan to bring to Town meeting. Freedman pointed out that the PB cannot endorse the bylaw changes officially before the March 13<sup>th</sup> public hearing, but it can endorse the work and recommend the actions of the WBS.

When Bahr expressed that a potential tower at the school would be the primary issue, Larson pointed out that the PB, as the Special Permit granting authority, could put forward that they do not endorse a cell tower at the school location. Freedman added that the BOS had requested that the by-law make it possible for a cell tower at the school, but that one cannot be placed at the school unless the BOS puts out an RFP to have one at that site.

Bahr left the meeting at this point.

Mansfield pointed out that any public hearing on the issue must be held at least 21 days before the May 1, 2006 Town Meeting, and therefore it must take place no later than the April 10, 2006 PB meeting. Freedman suggested that the WBS invite the public to their meeting with the BOS on February 28<sup>th</sup>, with a notice in the Mosquito, in addition to the April 10<sup>th</sup> public hearing with the PB. Mansfield will arrange that a hearing notice be placed in the Mosquito for March 24<sup>th</sup> and March 31<sup>st</sup> for the April 10<sup>th</sup> public hearing. Gonzales pointed out that David Maxson (wireless consultant) will be in attendance at the BOS meeting on February 28<sup>th</sup>. Freedman suggested that the WBS should advise the BOS that allowing the possibility of a tower at the school may threaten the necessary 2/3 approval of the amended-by law at the Town Meeting. Larson pointed out, referring to Section 5.9.3.21 of the amended by-law draft, that the location at the school has been setup as a separate waiver in the draft document, and that it could be stricken to allow passage of the overall amended by-law. Freedman suggested verifying with Town Counsel that it would be possible to have a floor amendment to strike one of the waivers from the amended by-law.

Gonzales asked Mansfield to request meetings with the Historical Commission and with the School Committee to discuss the WBS work.

**Feasibility study of adopting Inclusionary Zoning and/or Open Space Residential Design bylaw provisions**  
**[Edith Netter & Associates-Planning Board]**

Freedman reported that Edith Netter will attend the March 27<sup>th</sup> PB meeting to discuss Inclusionary Zoning, and ascertained that the Board would be amenable to a 7:00 pm start of the meeting on that date.

**Request for review and comments on draft 2005 Open Space and Recreation Plan [Request of**  
**Conservation Commission]**

Several PB members have read through the OS&R plan. Larson expressed that in his opinion, the plan is good, and could be incorporated into long range Town plans. Freedman pointed out that Epstein may have input, but was unable to attend this evening. The OS&R Committee will be seeking an official letter of support for the plan from the PB.

**Rappaport/Pioneer Institute report on regulations and housing prices**

Freedman summarized that the Pioneer Institute is apparently a conservative group that is of the opinion that local zoning control is the cause of the housing crisis in Massachusetts. They would prefer limiting local control of zoning issues. Freedman asked if the PB should forward a letter to the appropriate state authority concerning this issue. He also suggested that Mansfield post a query on the planning list-serve to get a sense of their interest in sending a group letter to the appropriate parties at the state level expressing concerns about this report.

At 10:47 pm Stuart moved and Larson seconded the adjournment of the PB meeting.

Respectfully submitted,

Gretchen Caywood,  
Planning Board Administrative Assistant